

FILED IN CHAMBERS
U.S.D.C. - Atlanta

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

JUL 18 2018

James M. Hatten, Clerk

SHAWN STANLEY GILREATH, :
:
Movant :
:
v. : CRIMINAL ACTION NO.
: 1:96-CR-472-1-ODE-JKL
:
UNITED STATES OF AMERICA, : CIVIL ACTION NO.
: 1:18-CV-1845-ODE-JKL
Respondent :

ORDER

This pro se criminal case is before the Court on the Final Report and Recommendation of United States Magistrate Judge John K. Larkins III filed May 10, 2018 [Doc. 378] ("R&R"). No objections have been filed.¹

In the R&R, Judge Larkins recommends that this action be dismissed for lack of jurisdiction. Specifically, Judge Larkins found that Movant's petition is a successive § 2255 motion which this Court cannot consider because Movant failed to obtain authorization from the United States Court of Appeals for the Eleventh Circuit for consideration of a second or successive § 2255 petition.

The Court having read and considered the R&R and noting the absence of any objections, it is hereby ADOPTED as the opinion and order of the Court. For the reasons set forth in the R&R, Movant's petition is DISMISSED.

¹Movant filed what was docketed as a motion for extension of time to file response to R&R [Doc. 380]. That motion was granted; however, the Court also explained that without jurisdiction the Court must dismiss the case. Movant has filed no objections to the R&R and the deadline to do so has passed.

SO ORDERED, this 17 day of July, 2018.

A handwritten signature in black ink, appearing to read 'Orinda D. Evans', written over a horizontal line.

ORINDA D. EVANS
UNITED STATES DISTRICT JUDGE